

October 4, 2002

Via Hand Delivery

Ms. Marlene H. Dortch, Secretary
Federal Communication Commission
445 12th Street, S.W. – The Portals
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
Digital Must Carry, CS Docket No. 98-120

Dear Ms. Dortch:

On October 3, 2002, Glenn Britt, Chairman and CEO of Time Warner Cable, Marc Apfelbaum, Senior Vice President and General Counsel of Time Warner Cable, and the undersigned met with FCC Commissioner Kathleen Abernathy and Staci Robinson, Legal Advisor to Commissioner Abernathy, to discuss the definition of “primary video” as it relates to the digital signal of a broadcaster. We also discussed issues related to “dual must carry” and the definition of “program-related”.

During the meeting, we summarized AOL Time Warner’s views as detailed in filings submitted by Time Warner Cable on May 25, 2001 and August 16, 2001. In particular, we urged the Commission to reaffirm its conclusion that “primary video” includes only a single video stream, and to reject attempts to expand in any way the concept of “program-related” beyond the narrow scope of program-related material in the analog context.

Pursuant to Section 1.1206(b) of the Commission’s rules, two copies of this Notice are being provided to you for inclusion in the public record in the above-captioned proceeding. Should you have any questions, please do not hesitate to contact me.

Respectfully submitted,

/s/ Steven N. Teplitz

Steven N. Teplitz
Vice President and Associate General Counsel
AOL Time Warner Inc.

cc: FCC Commissioner Kathleen Abernathy
Staci Robinson